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an "administrative" and that under (b) a "legislative" denial of justice; and, in my opinion, justify the exertion of economic reprisals as well as dislocatio pressure. Discussion of these conclusions follows.

## Delay in Restitution of American-owned Property

- As a party to the "United Nations' Declaration against Decommic Flundering of Enemy-Occupied Territories and on invalidation of Axis Measures" of 5 Jan 45, the Yugoslav Government sciently pledged itself to declare invalid any transfer of, or dealings with, property, rights and interests of any description whatsoover which ere, or have been, situated in the territories which have come under compution or control, direct or indirect, of Axis Powers, or which belong, or have belonged to persons resident in such territories. This applies whother such transfer or dealings have taken the form of open clunder or looting, or of transactions apparently legal in form, even when they purport to be voluntarily effected. The Yugosler Government was under obligation to implement the invalidation of such transfers or dealings with property, rights or interests which had occurred during the occupation, and to assist any government party to this declaration to effect its purpose.
- The Jugoslav Government did not fulfill this pledge and the law passed to effect reateration of the property described was not applied to the majority of American-owned property and never applied to any American-owned industrial property. This Government could be highly subarrassed were a list compiled showing the devices and methods employed by the regime to delay the restoration. Such a list would prove the regime's intention was to create the impression of doing everything and being willing to effect the restitution and at the same time to raise difficulties of a "bechnical" nature which alone provented restitution until the regime considered it safe to pass a nationalization law. (The dilemma which faced the Government is obvious now: on the one hand party dectrine called for nationalization of all industrial property; on the other was the desire to accomplish as much as possible at the impension Peace Conference, among other ways, by creating the impression that those conditions of which the Mostern democracies did not approve had to be accribed to conditions prevailing insecdiately after the war, when such measures were modessary, but that there is now a trend to normalize the Government's practice.)
- 5. One such device employed to delay resveration was the Government's deliverance, in about Movember 1946, of a circular note to all governments whole nationals owned industrial and other property in Yugoslavia, Inviting the to initiate discussions for restoration of the property. Then the Yugoslav Government created all menner of difficulties when the governments concerned asked that vices be granted the owners or their representatives to come to the country. When vi had finally been granted the visitors, they were not allowed to visit their plants. Further difficulties were presented later when some governments accepted the proposal even under conditions laid down by the Yugoslavs. In the end no industrial property, with the exception of a few Caschoslovakian plants, was restored.

## Metionalization Law

- There is a possibility that the Yugoslav Government will claim the US Government made the release of frozen funds dependent on payment of indensity, thus forfeiting its right for a "reprisal" because it violated international law and fair prection. Should this contention be made, to point out:
  - (a) The treatment of UK property, particularly its non-restoration, and the way in which the Yugoslav ragine evaded restoring it until passage of the nationalization law, despite release of Yugoslav gold frozen during the war in Great Britain, and despite the promise given in the initialed draft agreement as a result of which the release was effected.

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- (b) It was the fuggelar Government which proposed starting negotiations to settle the problem of the American-owned property and the release of frezen funds at the same time. The US Government, in answering both notes, accepted the proposed negotiations, expressing the desire that these two questions, with some others are Lend Lease, Flat A---be discussed in the course of the impending negotiations. The faggester Government accepted this suggestion.
- (c) In the course of the GS-Yugoslav financial negotiations last year I recell that the American delegation stated only that "they have the feeling that the question of American-evaced property should be southed together with other questions under negotiation" ac, on emotion operation during the same negotiation, that "it wents be desirable to settle class this question along with the others." (I believe this was a precedite standing from a correct interpretation of interactional law, the Ba Jonsleeving sutting his inclosure on the contingency of the two questions as perhaps premature at that time.)
- (i) The expressed "desire" to settle the question of American property along with one one of university cannot be interpreted as a descriminatory treatment of the Yugoslav case, the success it had been attempted in most other instances up until them.
- (a) Yugoslav nationals whose property is being educationated by the US Alien Property Conduction and Street discrimination apply for its return under provisions of Public Law 355 and 571.

## Rosenovia te Prasa Contarenta

- Recombedies with the approvisions Ambassador Recomovic had another press conference. Peccallo of his investority complex he usually enjoye these very much, but I am sure be did not enjoy this sees, for these reasons: The note stated that the "Yugoslav Guerraant would to willing (or is willing) to notice any complaints it might have about the walking at the US scales in permitting the Guerrament in Exile to use the funds. This was hard the Guerrale to take. Although the wording is such as to imply US handling at the funds are not beyond appricion and that there caust be some. Using doubtful about it, in reality he was dealing blood a severe blow. Use of Treken funds by the various Governments in Exile was regulated by law, a measure designed to emable these severements to confirm the westerfort. Obtaining a license for withdrawing freezes funds was a testions precedure, requiring Cabinet approval of withdrawits. Ecomowic has been a Cabinet masher when the most considerable sums have been withdrawn and he has, unfortunately, voted for the withdrawless.
- So Wie statement in interesting from these other points of view also:
  - (c) It has obviously been made under strict instructions as to the exact wording one represents an afficial statement bluding the Government. The Yugoslev regime appearantly chance to forget that it made a declaration prior to recognition by the US Corespond in which it acknowledged all obligations contracted by the Government in this, the financial ones body explicitly included.
  - (b) The Yugoslav "evermeent thereby raises the question of continuity. The Government in Extensionabledly was the recognized and legitimate government and by virture of the Chicalestike agreement the present Yugoslav Government claims to be the accomment of the Ekiled Government. In the statement it refers to the Government in the lating present in the government's use of the funds one colorist. If the Government is date was not the legitimate government at the base, which, in the opinion of the present regime, was? Does the present government mean to refuse to acknowledge all international obligations of the Ekilea Government and its legitimate predecescors? Surely the present regime and refuse to accept this interpretation and should make a declaration on the issue. The etaboment represents a blunder on its part --

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10. As for the portion of the Ambacsader's statement pertaining to the clause in a note "that the Yugorlev Government would consider also undertaking other means 25X1 for the settlement of this problem," stating that this means legal action before case to the International court at The bages requires previous acceptance of the Court's jurisdiction for the case. The Yugoslev Government would perhaps willing to consect this, but \_\_\_\_\_\_\_it would be ment unwilling to accept a general, or even conditioned, jurisdiction of the Court. \_\_\_\_\_\_\_\_things Government could desire on make a decimation of general acceptance, in accordance will the conditions under which it accepted the jurisdiction, before it would even consent to content the case.

11. There is considerable doubt as to existence of a statutory basis for taking laaction before a US court for the recovery of the funds. The question of the aligibility of a foreign national for the remody of return or recovery is a highly conferencial one which has not yot been cleared by court practice.

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